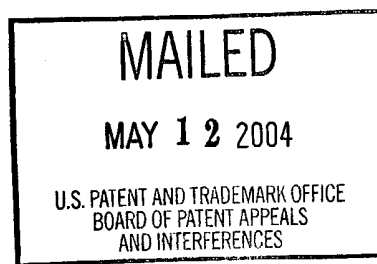


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROGER COLEMAN,
JANICE AU-YOUNG, OLGA BANDMAN
and JEFFREY A. SEILHAMER

Application 09/997,522



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on March 15, 2004. A procedural review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We are unable to locate copies of the prior art cited by the examiner in the answer of September 9, 2003. The answer makes reference to nine reference articles of prior art. We are unable to locate this prior art. It is apparent to us that

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these nine articles have not been scanned into the application. Furthermore, the listed articles of Ayala et al. and Rieger et al. do not appear to have been applied, and the references of 5,686,597 and 5,869,633 are missing from the list of prior art which was applied.

Secondly, the brief that was received June 27, 2003 was scanned as containing 166 pages. In reviewing this appeal, we found that the brief was scanned incorrectly; having many pages that were blank. The brief needs to be rescanned properly to contain only 52 pages of actual text; 37 pages of NPL (Rockett et al.); 7 pages of NPL (Nuwaysir et al); 5 pages of NPL (Steiner et al), and 5 pages of NPL (Anderson et al).

Accordingly, it is


ORDERED that the application is returned to the examiner: 1) for locating and providing electronic copies of the nine references of prior art cited in the answer; 2) for revision of the examiner's answer to stipulate the correct prior

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art which is being applied; 3) for rescanning the appeal brief properly containing only the pages that contain text; and 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By:



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RA04-0526